

**Special Contracting Authorities under the
Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-136)**

Authorities Delegated

To review and approve the following actions under the authority of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P. L.108-136) when the acquisition of the supplies or services are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack:

1. To review and approve the treatment of an acquisition of any supplies or services as an acquisition of commercial items.
2. To review and approve a micro-purchase threshold of \$15,000 for any applicable contract to be awarded and performed or purchase to be made inside the United States, or \$25,000 for any applicable contract to be awarded and performed or purchase to be made outside the United States (except for construction subject to the Davis-Bacon Act).
3. To review and approve a simplified acquisition threshold of \$250,000 for contracts to be awarded and performed or purchases to be made inside the United States, or \$1 million for contracts to be awarded and performed or purchases to be made outside the United States.
4. To review and approve the use of simplified acquisition procedures for the acquisition of commercial items under the Test Program authorized under FAR13.500 in amounts up to \$10 million.

<u>Authority</u>	<u>To Whom Delegated</u>	<u>Area of Authority</u>
1 - 4	Head of the Contracting Activity (HCA)	NIH

All previous delegations of authority inconsistent with provisions of this delegation are superseded.

Limitations

1. The \$5,000,000 limitation of FAR Subpart 13.5 does not apply to acquisitions under Authority 1, above.
2. Acquisitions accomplished under Authority 2 above do not need to be set aside for small business concerns if they are at or below the \$15,000 threshold. All applicable acquisitions between \$15,000 and \$250,000 using this authority are automatically reserved exclusively for small business concerns and shall be set aside for small business concerns unless the contracting officer determines that there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality and delivery.

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Redelegation

These authorities may not be redelegated.

Citations

1. P.L. 108-136, Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.
2. 5 U.S.C. §302; 42 U.S.C. §203, §216, and §281.
3. FAR 2.101, 12.102 (f)(1), 13.003 (b) and (c), 13.201 (g)(1) and (g)(2), 13.500, and HHSAR 302.101.
4. Memorandum dated August 17, 1987, from the Deputy Assistant Secretary for Health Operations, and Director, Office of Management, to PHS Agency Heads, Subject: Delegation of Acquisition Authority.
5. Secretary's Reorganization Order of June 29, 1973 (38 FR 18261).
6. Redelegation of Authorities by the Assistant Secretary for Health, June 18, 1973 (38 FR 18261). [Continued by the Secretary, April 18, 1979 (44 FR 23132)].

/s/

Elias A. Zerhouni, M.D.
Director, NIH

Effective Date: May 17, 2005

1130 DELEGATIONS OF AUTHORITY
Acquisition No. 26

Special Contracting Authorities under the
Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-136)

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- 1. Explanation of Material Transmitted:** This delegation replaces the Special Contracting Authorities under the Homeland Security Act of 2002 (P.L. 107-296). The authorities under P.L. 107-296 expired on November 24, 2003, and were not extended. However, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108-136) partially reinstated some of these special contracting authorities. When acquisitions of supplies and services are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, these Acts permit: (1) the treatment of acquisitions of any supplies or services to be considered acquisitions of commercial items; (2) a higher micro-purchase threshold than normally authorized under the FAR; (3) a higher simplified acquisition threshold than normally authorized under the FAR; and; (4) the use of simplified acquisition procedures for the acquisition of commercial items under the Test Program authorized under FAR 13.500 up to \$10 million. The authorities herein will permit the Head of the Contracting Activity (HCA) to review and approve certain acquisition actions when the required supplies or services are needed to facilitate defense against, or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

2. Filing Instructions:

Remove: NIH Manual 1130, Acquisition No. 26, dated 05/14/03.

Insert: NIH Manual 1130, Acquisition No. 26, dated 05/17/05.

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For information on:

- Content of this delegation, contact the Division of Acquisition Policy and Evaluation, Office of Acquisition Management and Policy, OA, OM on 496-6014.
- NIH Manual System, contact the Division of Management Support, Office of Management Assessment, OM, on 496-2832.
- On-line information, enter this URL: <http://www1.od.nih.gov/oma/manualchapters>